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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,833	12/05/2003	Todd D. Wakefield	03760.019/5136 P	8543

7590 06/01/2006

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EXAMINER

MOFIZ, APU M

ART UNIT PAPER NUMBER

2165

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,833	Applicant(s) WAKEFIELD ET AL.	
	Examiner Apu M. Mofiz	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/05; 3/8/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of copending Application No. 10/729388, claims 1-39 of copending Application No. 10/729889, claims 1-24 of copending Application No. 10/729414, claims 1-47 of copending Application No. 10/728721, claims 1-48 of copending Application No. 10/729883, claims 1-32 of copending Application No. 10/729878, claims 1-16 of copending Application No. 10/729862, claims 1-15 of copending Application No. 10/729431, claims 1-32 of copending Application No. 10/729347, claims 1-28 of copending Application No. 10/729888, claims 1-40 of copending Application No. 10/729388, claims 1-29 of copending Application No. 10/729864. Although the conflicting claims are not identical, they are not patentably distinct from each other

because claims 1-40 of copending Application No. 10/729388, claims 1-39 of copending Application No. 10/729889, claims 1-24 of copending Application No. 10/729414, claims 1-47 of copending Application No. 10/728721, claims 1-48 of copending Application No. 10/729883, claims 1-32 of copending Application No. 10/729878, claims 1-16 of copending Application No. 10/729862, claims 1-15 of copending Application No. 10/729431, claims 1-32 of copending Application No. 10/729347, claims 1-28 of copending Application No. 10/729888, claims 1-40 of copending Application No. 10/729388, claims 1-29 of copending Application No. 10/729864 contain every element of claims 1-28 of the instant specification.

“A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651.”

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemus (U.S. Patent Publications No. 2002/0156817).

As to claims 1 and 15, Lemus teaches a product of a process of integration of mixed format data, said product comprising at least one storage media device including a database of integrated data, said product produced by an integration process comprising the steps of: accessing a database of structured data, the structured data comprising a set of data tuples (i.e., Lemus teaches a database from which structured data can be accessed; Lemus also teaches accessing unstructured data e.g., text files and converting/integrating the unstructured data into structured data i.e., for use in a database (i.e., converted into **fields/columns/attributes and tuples/records**). The unstructured data e.g., a text sentence is parsed (i.e., separated into components or **atomized** or character separated values) and attributes are extracted. In the process of attributes extraction/filtration, two methods are used. One filtration method is domain/role independent i.e., based on linguistic features e.g., syntactic structure of the sentence (as in Applicant's own specification. Applicant

calls it syntactic caseframe. See paragraph [0009] of the instant specification) and the other method is domain (i.e., role) dependent where the attributes are filtered according to the context/role/domain. The extracted and filtered unstructured data now needs to be put in a database. Therefore the attributes/fields are normalized, identified and extracted attributes/fields are mapped to field/attribute of relation i.e. (EIS i.e., a relational database e.g., Sybase) using database schema information. All of the attributes are **coalesced/categorized** i.e. like attributes are combined together.) (paragraph [0013]; [0030]; [0031]; [0038]; [0051]; [0052]; [0056]; [0061]; [0063]; [0064]; [0065]; [0066]; [0072]; [0073]; [0074]; [0083]; [0090]; [0103]; [0104]; [0106]); accessing a source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data; interpreting the free text to produce a set of construed data reflecting at least one relational fact conveyed in the free text, each construed datum relatable to a data tuple of the structured data (See explanations above)(paragraph [0013]; [0030]; [0031]; [0038]; [0051]; [0052]; [0056]; [0061]; [0063]; [0064]; [0065]; [0066]; [0072]; [0073]; [0074]; [0083]; [0090]; [0103]; [0104]; [0106]); integrating the produced data with the data tuples of the structured data (See explanations above)(paragraph [0013]; [0030]; [0031]; [0038]; [0051]; [0052]; [0056]; [0061]; [0063]; [0064]; [0065]; [0066]; [0072]; [0073]; [0074]; [0083]; [0090]; [0103]; [0104]; [0106]); and storing the integrated data produced by said integrating to the at least one storage media device in the form of a database (See explanations above)(paragraph [0013]; [0030]; [0031]; [0038]; [0051]; [0052]; [0056]; [0061]; [0063]; [0064]; [0065]; [0066]; [0072]; [0073]; [0074]; [0083]; [0090]; [0103]; [0104]; [0106]).

As to claims 2-14 and 16-28, the limitations of these claims are either addressed or rejected in rejected claim 1 above.

Points of Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

May 24, 2006